

**GOVERNMENT OF TELANGANA
ABSTRACT**

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Procs. Rc.No.C3/2596/2019-9, dated 31.01.2020 - Appeal filed by Banoth Ashwini D/o Bheem Rao R/o.Gundala (V) Narnoor Mandal of Adilabad District – Allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.17

Date: 06.2.2021

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No C3/2596/2019-9, dt.31.01.2020 of Collector & District Magistrate, Adilabad District
3. Appeal petition filed by Banoth Ashwini D/o Bheem Rao R/o. Gundala (V) Narnoor Mandal of Adilabad District, dated 28.02.2020.
4. Govt.Memo.No.502/TW.LTR/2020, dated 17.09.2020
5. Lr.Rc.No.D5/309/2018, dated: 28.09.2020 of P.O, ITDA, Utnoor, Adilabad District.
6. Notice No.502/TW.LTR/2020, dt. 17.09.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad District vide her orders in the reference 2nd cited, has issued orders cancelled that the appellant Banoth Ashwini D/o Bheem Rao R/o. Gundala (V) Narnoor Mandal of Adilabad District is not a Local Schedule Tribe as per definition of G.O.Ms.No.24, TW (LTR.1) Department, dt.12.6.2018 basing on the following findings of the Scrutiny Committee.

- Appellant appeared before the Committee on 30.11.2019 and 02.12.2019 and submitted following documents:
 - Family Tree & Copy of 1359 Fasli (1949 year) of Narsapur-B village.
 - Copy of 1955-56 to 1957 to 58 Teen Sala Pahani of Narsapur-B village.
 - Pahani entries for 1961-62, 1965-66, 1971-72, 1979-80, 1983-84, 1993-94, 2011-12, 2014-15 and 2017-18 for Narsapur-B village.
 - Pahani extracts for 1969-70, 1988-89, 2001-02 and 2012-13 for Gundala village.
 - PPB (old).
 - 1977 Voters list copy.

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- 1988 Voters list copy.
- Scrutiny Committee in its final hearing on 24.12.2019 has finally concluded with the following findings:
 - On verification of Family Tree & Land documents:
 - as per 1359 fasli (1949 year) of Narsapur-B village, Narsing S/o Dhuppa (great great grandfather's brother) is recorded as cultivator in Sy.No.1 , ext: Ac.15.00gts;
 - as per Theen Saal pahani (1955 to 58), Sy.No.1 (old), ext: Ac.10.00 gts. Daviji S/o Chapla (great grandfather) name is recorded;
 - as per pahani 1961-62 to 1979-80 – Sy.No.126 (new), extent Ac.11.12 gts is recorded in the name of Narsing S/o Dhuppa (great great grandfather's brother);
 - as per pahani 1983-84, Sy.No.126, extent: Ac.11.12 gts, the names of Devrao S/o Narsing, Dhansing S/o Narsing, Anandrao S/o Narsing are recorded as joint pattedars;
 - as per pahani 1993-94 to 2017 in Sy.No.126/2/B, extent: Ac.3.00 gts is recorded in the name of Devurao S/o Narsing.
 - After migration to Gundala village of Narnoor Mandal, as per pahani 1969-70 to 1988-89, Sy.No.20, extent: Ac.7.10 gts situated at Gundala village of Narnoor Mandal is recorded in the name of Laxman S/o Dhavuji (grandfather).
 - As per pahani 2001-02, Sy.No.20, extent: Ac.7.10 gts is recorded in the name of Banoth Bhikku S/o Laxman (father's brother).
 - As per pahani 2012-13, Sy.No.20/2 extent: Ac.3.32 gts is recorded in the name of Ade Vijayalaxmi W/o Bheemrao (mother).
 - Applicant in her family tree showed that the great great grandfather Sri Banoth Chapla S/o Dhuppas brother of Sri Banoth Narsing S/o Dhuppa, but as per any document Banoth Chapla (great great grandfather) S/o Dhuppa and Banoth Narsing S/o Dhuppa are brother relationship is not established.
 - All the land records pertain to family of Banoth Narsing S/o Dhuppa and also the relationship of Banoth Chapla S/o Dhuppa and Davuji S/o Chapla is not established, which is objectionable.

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- As per Voter list 1977 the name of Banoth Bhavsingh S/o Davuji (grandfather's brother) is recorded at Sl.No.422 with H.No.3-24 and as per 1988 voters list Ade Laxman S/o Davuji is recorded at Sl.No.730 with H.No.1-14.
- The relationship between the land holders family Narsing & Chapla is not established whether Sri Laxman Grandfather migrated from Agency to Non Agency prior to 1950 is not established and the candidate has failed to prove that the forefathers/family members are residing continuously in the Agency Scheduled Areas since 1950 or before.
- Thus, it is revealed that, the relationship between the land holders family i.e. great great grandfather's brotherhood is not established and hence the candidate has failed to prove that the forefathers of family continuously residing in the Agency Scheduled Areas since 1950 or before.
- A show cause notice was issued to Kum.Banoth Ashwini D/o Bheem Rao R/o Gundala village, Narnoor Mandal to attend before the Dist. Collector, Adilabad on 28.01.2020 to prove her claim as Local ST with relevant material/documents.
- Accordingly, Kum.Banoth Ashwini D/o Bheem Rao R/o Gundala village, Narnoor Mandal has attended before the District Collector, Adilabad on 28.01.2020 submitted reply in writing stating that she is unable to prove the relationship between the land holders family Narsing & her father Chapla, not produced any relevant documents and has failed to prove that the forefathers/family members of the claimant are residing continuously in the Agency Scheduled Area since 1950 or before.

3. Aggrieved by the above cancellation orders of the District Collector, Adilabad, the Appellant Kum.Banoth Ashwini D/o Bheem Rao R/o Gundala (V) Narnoor Mandal of Adilabad District, has filed Appeal before the Government on 28.02.2020 under G.O.Ms.No.24, TW (LTR.1) Dept. dt.12.6.2018. The contentions are as follows:

- She has been qualified for the post of TRT Teacher.
- In the certified copy submitted – in Sy.No.126 of Narsapur-B village, her great great grandfather Narsing S/o Dhuppa was in cultivation in the year 1950.
- Later from 1955-58, in Sy.No.1, her great grandfather Sri Davuji W/o Chapla was cultivating.
- As per Fasli 1359 (1949 year) – Sy.No.126 was recorded in the name of Narsing S/o Dhuppa (brother of great great grandfather i.e. Chapla). Both Narsing and Chapla are own brothers and sons of Dhuppa.

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- There are records on the name of Devrao S/o Narsing from 1950 to 2019.
- Sy.No.1 (old) from 1955 till 2019 – Dhavuji (great grandfather) and his son Bhavsingh (brother of grandfather Banoth Laxman) were on records.
- From 1950 till date the cultivators are own brothers and belong to one family.
- Both Chapla and Narsing are own brothers and sons of Dhuppa. Since Chapla died before 1949, his name was not brought on land records. Later in 1955 son of Chapla namely Davuji was given land in Survey Number 1 by purchasing – therefore, the ancestral land could not be inherited to him and hence, his name was not recorded in Survey No.126.
- In the year 1965, Sri Lakxman S/o Davuji was migrated from Narsapur-B village to Gundala village.
- From the year 1969, records available in Survey No.20 in the name of Sri Bheem Rao i.e. father of appellant.
- The documents related to the above Survey Numbers have been obtained from the O/o Tahsildar, Utnoor and submitted herewith along with the Family Tree which was drawn after due enquiry in the village.

4. Therefore, the Appellant prayed to consider her Appeal and to set aside the orders of the Dist. Collector, Adilabad in Procs.No.C3/2596/2019-09, dt.31.1.2020 and to pass such other order or orders deemed fit and proper in the facts and circumstances of the case and in the interest of principles of natural justice, equity and fair play.

5. The following documents have been submitted along with the Appeal and during hearing on 29.9.2020.

i. Family Tree certified by Village Revenue Officer and Revenue Inspector, Utnoor and also by Notary Sri Ghanshyam Lal Gupta, Utnoor, Adilabad Dist.

- Dhuppa has two sons viz., 1) Banoth Narsingh and **2) Banoth Chapla (senior great grandfather of appellant Banoth Ashwini D/o Bheem Rao).**
- Banoth Chapla has one son namely **Davuji i.e. great grandfather of appellant.**
- Davuji S/o Chapla i.e. great grandfather of appellant has 4 sons namely 1) Banoth Ramu **2) Banoth Laxman (grandfather of appellant)** 3) Banoth Lalsingh and 4) Banoth Bhavsingh.

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- Banoth Laxman i.e. grandfather of appellant has 2 sons namely 1) Banoth Bhikshapathi **and 2) Banoth Bheem Rao (father of appellant).**
- Banoth Bheem Rao i.e. father of appellant has 5 children namely 1) Banoth Ashwini (daughter) 2) Banoth Shravan (son) **3) Sandhyarani (daughter and appellant herein)** 4) Swathi (daughter) and 5) Aarthi (daughter).
- Pahani 1354 Fasli (1944 year) of Narsapur-B village, Utnoor Mandal shows name of Davuji (great grandfather of appellant).
- Copy of Wasoolbaqi – Narsapur village – Utnoor Taluq – 1952 year – shows name of Narsingh S/o Dhupa for an extent of acs.15.00 in Khata No.12.
- Teensal Pahani 1955-56 to 1957-58 shows name of Davuja S/o Chapla R/o Narsapur-B village (great grandfather of appellant) in Sy.No.1 for an extent of acs.10.00.
- Pahani for 1970-71 of Narsapur-B village – name of Davuji (great grandfather of appellant) is found for an extent of acs.11.17 gts.
- Voter list for the year 1977 – 243 Khanapur Assembly Constituency - Part No.90 – Narsapur-B village – Sl.No.422 shows name of Bhavusingh S/o Davuji (brother of grandfather of appellant) under H.No.3-24.
- Voter list for the year 1977 – Boath Assembly Constituency - Gundala village: Utnoor Taluq – Sl.Nos.193 and 194 show names of Lakshman Ade S/o Dhavuji (grandfather of appellant), Barubai W/o Lakshman (grandmother of appellant)
- Non-Migration Certificate bearing Rc.No.E/189/2018, dt.28.03.2018 issued by Tahsildar, Utnoor Mandal – wherein it was certified that Kumari Banoth Ashwin D/o Bheem Rao R/o Gundala village of Narnoor Mandal has not been migrated to Telangana from any of the State as per enrolment of her forefather Davuji S/o Chapla in 1354 Fasli and 1955-56 to 1957-58 Theensala Pahani of Narsapur-B village of Utnoor mandal and also reference to enrolment of her grandfather Bhavsingh S/o Davuji enrolled in voter list of 1977 PS No.90, Narsapur-B at Sl.No.422 and their family has resided in Narsapur-B village of Utnoor Mandal from 1950 to 1976. Later her family has migrated to Gundala village of Narnoor Mandal in the year 1976-77.
- Agency Area Local ST Certificate bearing Rc.No.B/217/2018, dt.14.08.2018 issued as per GO Ms.No.24, TW (LTR) Dept. dt.12.6.2018, wherein it was certified that Kumari Banoth Ashwini D/o Bheem Rao belongs to ST Lambadis. Herself and her parents/grandparents have been continuously residing at

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Gundala village since 26.01.1950 which is a notified scheduled village.

- Migration Certificate bearing Rc.No.C/84/2019, dt.23.01.2019 issued by Tahsildar, Utnoor Mandal – wherein it was certified that Kum.Ade Ashwini D/o Bheemrao presently residing at Lambadithanda H/o Gundala village of Narnoor Mandal. Previously her forefather Sri Narsingh S/o Dhupa was resided at Narsapur-B village from 1950 to 1977 and his name was enrolled in Fasli 1355 as cultivator and in the voter list 1977 in Part No.90, Sl.No.494. After marriage of applicant Ashwini D/o Bheem Rao, she migrated to Lambadithanda H/o Gundala village of Narnoor Mandal of Adilabad District. Hence certified.
- Resolution by Sarpanch, GP Jaithramtanda, Utnoor Mandal dt.23.8.2020 – wherein it was declared that the forefathers of appellant Banoth Aswini lived in Narsapur-B village of Utnoor Mandal from 1950 to 1976 doing cultivation.
- Village elders declaration duly attested by Sarpanch, GP Gundala dt. 25.08.2020 – wherein it was declared that Ade Dhuppa of Gundala village in Narnoor Mandal has two sons namely 1) Narsingh and 2) Chapla. Chapla has one son i.e. Dhavuji. Dhavuji has four sons namely 1) Ramu 2) Lakshman 3) Lalsingh 4) Bhavsingh. Third son Lakshman has two sons namely 1) Bikshapathi and 2) Bheemrao. Bheemrao has four daughters and one son – of which Ade Aswini D/o Bheemrao is the applicant. The family of Aswini has been living in Gundala village from 1977 to till date. They further stated that Ade and Banoth are the same surnames

Thus, the above documents amply prove the relationship between Banoth Narsingh S/o Dhupa and Banoth Chapla S/o Narsingh as own brothers and sons of Dhuppa and the continuous residence of the applicant and her forefathers in Narsapur-B village (Utnoor Mandal) from before 1950 to 1976 and migrated to Gundala village (Narnoor Mandal) in the year 1977 and living in the said village till now. Both Narsapur-B and Gundala are agency villages in Adilabad District.

6. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

7. Accordingly, vide reference 5th read above, the District Collector, Adilabad District has submitted original record of the case along with para-wise remarks.

8. Vide reference 6th read above, a Notice has been issued to the Appellant to attend for hearing on 29.9.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 29.9.2020, and submitted the documents as submitted along with Appeal Petition

9. From the record, there is no complaint made against the Appellant Banoth Ashwini D/o Bheem Rao and the District Collector, Adilabad District ought to have informed the same to the appointing authority about her

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continuous residence in Agency Area from 26.1.1950 and also the genuineness of his Local STAC bearing RC No.B/217/2018, dt.14.08.2018 issued by the Tahsildar, Narnoor Mandal after due enquiry.

10. Government after careful examination of the documents available on record, documents submitted by the Appellant along with the appeal petition, during the hearing on 29.9.2020 and also in the light of the Interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in interim orders passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.09.2018 it is found that the Appellant Banoth Ashwini D/o Bheem Rao and her fore-fathers are the continuous residents of agency villages i.e, Narsapur-B (Utnoor Mandal) (from 1950-1976) and Gundala (Narnoor Mandal) (from 1977 to till date).

11. Accordingly, Government hereby set aside orders of the Collector & District Magistrate, Adilabad District in Procgs. Rc.No.C2/2596/2019-10, dated 31.01.2020 and allowed the Appeal filed by Banoth Ashwini D/o Bheem Rao R/o.Gundala (V) of Narnoor Mandal, Adilabad District, and declaring her as Local Scheduled Tribe of Narsapur-B agency village in Utnoor Mandal of Adilabad District and also her Agency Area Certificate bearing Rc.No.B/217/2018, dated 14.8.2018 issued by the Tahsildar, Narnoor, is treated as valid.

12. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Banoth Ashwini D/o Bheem Rao, R/o.Gundala(V), Narnoor Mandal,
Adilabad District.

Copy to:

- 1.The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)
- 2.The Project Officer, ITDA Utnoor, Adilabad District (for information &
necessary action)
- 3.The District Educational Officer, Adilabad (for information &
necessary action)
- 4.The PS to Hon'ble Minister for ST Welfare for information.
- 5.The PS to Secretary (TW)
- 6.The PS to Special Secretary (TW)
- 7.SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER